

John Favreau, Chair
Cynthia Shook, Vice Chair
Nancy Binns, Member
Thomas Caldwell, Member
Tara Tanner, Member

TOWN OF WARREN
Inland Wetlands & Conservation Commission
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Regular Meeting Minutes
Thursday, March 21st, 2024

Chairman John Favreau called the regular meeting of the Town of Warren Inland Wetlands & Conservation Commission to order at 6:30 PM. Members present were Cindy Shook, Nancy Binns, Tom Caldwell, and Tara Tanner. Janell Mullen was present as Town of Warren's Wetland Enforcement Officer. Applicants present included Jeremy and Charlie Spath of Stuarts Somers, Co, Wesley Wyrick, Mark Riefenhauser, P.E. of Smith and Company, Sean Hayden of Lake Waramaug Task Force (LWTF), Elizabeth Chandler and Rebecca Neary of the Warren Land Trust (WLT) also present were Steve Trinkaus, PE and Kyle Towne of Towne & Aurell.

1. Consideration of the Minutes- Regular Meeting – January 18, 2024. Nancy Binns moved to approve the minutes of the Regular Meeting of January 18, 2024 as written. Tom Caldwell seconded the motion. The motion passed unanimously.
B. Site Walk – February 27, 2024. Tom Caldwell moved to approve the minutes of the site walk as written. Tara Tanner seconded the motion and the motion passed unanimously. Cindy Shook abstained from the vote provided she was not present at the site walk associated with Anita Way.
2. New Applications
 - A. Jeremy & Charles Spath of Stuart Somers Co, LLC approached the Commission to present IWA# 24-02-01-the proposal for a new single-family home and detached garage at **Anita Way** (Map 22, Lot 56). The driveway is to pass through wetlands and would require the deposition of material and culvert piping. Jeremy Spath, applicant, presented his preferred site plan. During the site walk on February 27th, the applicant presented two possible scenarios in the field. The proposed location of the driveway was now being proposed more northerly and in a less steep position than on the original site plan. Jeremy Spath stated that this alternate involved disturbance of 400 sf in the wetlands and less overall in the upland review area than the original concept.

Chairman John Favreau asked about Torrington Area Health Department approval. Charles Spath stated that it was forthcoming in accordance with a recent email exchange.

Tara Tanner asked the applicant to describe the driveway crossing. Jeremy brought the Commission's attention to the driveway profile on the plan and stated that two (2) 15' culverts would be inserted beneath the driveway. There was a discussion about possibly installing them in two separate locations so that they would mimic the current dispersion of the water rather than create a point source of flow that doesn't currently exist in nature. The applicant also stated that the utilities would follow the driveway up to the house. The Commission asked for an estimate of the total cubic volume of material that would be brought into the driveway for the wetlands crossing.

Cindy Shook asked the applicant to describe the "energy dissipator". Charlie Spath explained that it is for capturing storm-water run-off and is essentially a depression with large rock that allows water to infiltrate.

With minor plan revisions and additional details as discussed, Cindy Shook moved to receive the application. Tom Caldwell seconded the motion on the floor. The motion to officially receive the application as of 3/21 passed unanimously.

- B. Wesley Wyrick and Mark Riefenhauser, P.E. of Smith and Company approached the Commission in associated with #IWA 24-03-01 on behalf of John & Karen Mullen. Janell Mullen stated on the record that she has no familial relations to the application despite her last name. Wesley Wyrick gave an overview of the proposal which involves a driveway proximal to wetlands at **152 Curtiss Road** (Map 17, Lot 15-01). The construction of a single-family house is being proposed at this time. Applicant Wesley Wyrick stated that a portion of the driveway will be within the upland review area and/or adjacent to an intermittent stream. He turned the floor to Mark Riefenhauser, P.E. of Smith and Company who stated that a previous approval had been issued by the IWC in 2015 and it had since expired. He quickly described that proposal before detailing the current one. He pointed out the location of two (2) culverts, discussed the upland review area based on the sloped topography of the site, and stated that the closest point the existing culvert comes to the wetlands is 10-15’.

The Commission suggested a site walk to familiarize themselves with the property and the proposed activity. Cindy Shook moved to receive the application as of 3/21 and proposed a site walk for 4 pm on Tuesday, April 9th. The motion passed unanimously.

The applicant agreed to the proposed date and stated that the driveway would be stated at its centerline in the field.

- C. Next Elizabeth Chandler and Rebecca Neary presented on behalf of the Warren Land Trust. The introduction by Rebecca Neary described the acquisition of **Cunningham Preserve** (Map 16, Lot 4) and the WLT’s initiative to preserve the land in perpetuity. She stated that they had received funding from CT DEEP and that a condition of the conservation was that the preserve would be open to the public. Elizabeth Chandler presented the information of the application IWC # 24-03-02 which is a request for a jurisdictional ruling which would deem the proposed activities as “unregulated”.

Elizabeth Chandler described the lay-out of the trail with respects to a map that had been submitted with the proposal. She stated that there would be no deposition of material for the initial phase to create the trail. The work would be performed by hand with chainsaws and clippers. She stated that there were three (3) wetlands/stream crossings that would simply occur on foot. She also described a possible “Phase 2” that would potentially require a wetlands application and/or agent approval.

Chairman John Favreau suggested that the Commission visit the property, in particular, a few “areas of concern” adjacent to wetlands. Tara Tanner moved receive the request for a jurisdictional ruling as of 3/21 and to set a site walk for April 9th at 4:30 PM. Nancy Binns seconded the motion. The motion passed unanimously.

The applicants asked about the timeline for approval because the WLT was hoping to have the trail completed for June 1 and open to the public for CT Trails Day.

- D. Sean Hayden of Lake Waramaug Task Force (LWTF) approached the IWC Commission regarding a modification on behalf of Mullen. He introduced himself as the Director of the LWTF and a licensed soil scientist. He stated that this modification involves Phase 2 of the removal of silt material from **358 Lake Road** (Map 99 Lot 43-01). Sean Hayden also stated that as a result of the lake dredging, he has approximately 840 cubic yards of material to haul off the site. Sean introduced Kyle Towne of Towne & Aurell, the contractor who would be conducting the work. Kyle Towne equated the amount of material to

about 55 loads of material coming off the site.

John Favreau asked about the notation on the schematic drawing that proposed temporary mats and the spreading of stone, if needed. Sean Hayden stated that would be in case there was any damage done to the access way, which would be the shared driveway on North Shore. Chairman John Favreau asked that the original emails that indicated property owner approval be submitted. They had only received the excerpt on the proposal, and the IWC would like to see the complete written request from the LWTF.

Janell Mullen asked about the timeline when the hauling would occur and the duration of the work. Kyle Towne stated that it would be weather dependent and that he would need a stretch of about five (5) dry days. He would like to accomplish the task before Memorial Day weekend. Janell Mullen requested that she be notified to visit the site at the conclusion of Phase 2 to ensure that the site was re-stabilized.

Nancy Binns asked if the lake dredging project had been successful. Sean Hayden stated that it had been very successful and that cold water was entering the Lake from Sucker Brook. Cindy Shook asked about the baseline data since she recalled a statement made during the site walk about the inability to access the monitors in the Lake.

Chairman John Favreau moved to receive the modification as of 3/21 and approve the proposal. Nancy Binns seconded the motion to receive and approve Phase 2- the removal of materials from the Lake dredging project. The motion passed unanimously.

4. Pending Applications

A. Sean Hayden of LWTF re-presented IWC #24-03-04 on behalf of the Taubner Family & West Mountain Road LLC, the streambank stabilization project at **266 Lake Road (Map 8, Lot 39) and adjacent lot (Map 8, Lot 40).**

The one item to change was that the bank had further eroded in recent heavy rains and that about eight (8) trees could not be saved. Steve Trinkaus, PE was present and reviewed the specifications of the Koirlogs. He stated that he hope to use this project as a pilot project for other streambank stabilizations.

Tara Tanner moved to receive the new information and approval the application for streambank stabilization. Tom Caldwell seconded the motion. The motion passed unanimously.

5. Other Business to come before the Commission

A. Modification – 203 Kent Road (Map 21, Lot 27) – shifting of house location by 25’

Janell Mullen stated that they would not have to spend much time on this item since they had yet to receive a full-sized plan. It was her inkling that the Commission would like to re-visit this proposal once Torrington Area Health Approval had been obtained since the entire shift of the house would likely move the well and other elements closer to the wetlands.

6. Communications Received

A. Communication regarding 13 Sunset Lake Road (Map 17, Lot 56) / Modification – IWA #23-03-03
It was noted that the Commission had addressed the “in the field” changes and approved the piping into the wetlands as opposed to more significant earthwork and disturbance.

B. Communication involving 183 Lake Road – The Commission reviewed the inquiry and it was noted that further work would require an application and field delineation of the wetlands.

7. Agent’s Report

The Commission reviewed the agent’s report and had no further questions for Janell Mullen.

8. Public Comments

There were no public comments.

9. Adjournment

Cindy Shook moved to adjourn the meeting of the Town of Warren Inland Wetlands & Conservation Commission at 8:09 PM. Nancy Binns seconded the motion to adjourn. The motion passed unanimously.

Respectfully submitted,

Janell M. Mullen

Town of Warren- Land-use Agent

March 22, 2024